

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out that the cryptographic output comprises a plurality of authorization levels. No new matter has been added as a result of these amendments.

Objections

Objections to the Specification

The Examiner objected to paragraphs 32 and 66 as containing informalities. The Applicant has corrected the informalities. No new matter has been added as a result of these corrections because it was clear within the context of paragraph 32 that FP was being used as an abbreviation for "fingerprint," and that reference number 1060 in paragraph 66 was a typographical error. Accordingly, Application requests the withdrawal of the objection to the specification.

Rejections

Rejections under 35 U.S.C. § 102(b)

Claims 37, 38, 41-42, 44, 45, 47, 51, 52, 54 and 55

Claims 37, 38, 41-42, 44, 45, 47, 51, 52, 54 and 55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,598,474 to Johnson. Claims 51, 52, 54 and 55 have been cancelled. Claim 47 has been amended to be dependent upon claim 37.

Johnson discloses encoding biometric information onto an identification card. However, Johnson does not teach or suggest that the output from the biometric encoding process comprises a plurality of authorization levels as claimed in amended independent claim 37.

Accordingly, Applicant respectfully submits that the invention claimed in pending claims 37, 38, 41-42, 44, 45 and 47 is not anticipated by Johnson under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 1-10, 14-23, 27, 32-35, 40 and 50

Claims 1-10, 14-23, 27, 32-35, 40 and 50 stand rejected under 35 U.S.C. § 103(a) as being obvious over Johnson in light of U.S. Patent 6,314,196 to Yamaguchi et al. Yamaguchi qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Yamaguchi is prior art and reserves the right to challenge it at a later date. Claim 50 has been cancelled.

Yamaguchi discloses a fingerprinting registering system. However, neither Johnson nor Yamaguchi teach or suggest a cryptographic output that comprises a plurality of authorization levels as claimed in amended independent claims 1, 14, 27 and 37, or claims 2-10, 15-23, 32-35 and 40 that depend from them.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 1-10, 14-23, 27, 32-35 and 40, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Yamaguchi.

Claims 11, 12, 24, 25 and 36

Claims 11, 12, 24, 25 and 36 stand rejected under U.S.C. § 103(a) as being obvious over the combination of Johnson and Yamaguchi in light of U.S. Patent 6,289,323 to Gordon et al. Gordon qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Gordon is prior art and reserves the right to challenge it at a later date.

Gordon discloses conducting secure transactions using cryptographic transformations of messages. However, none of Johnson, Yamaguchi and Gordon teach or suggest a cryptographic output that comprises a plurality of authorization levels as claimed in amended independent claims 1, 14 and 27, from which claims 11, 12, 24, 25 and 36 depend.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 11, 12, 24, 25 and 36, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, Yamaguchi and Gordon.

Claims 13, 26 and 28-31

Claims 13, 26 and 28-31 stand rejected over the combination of Johnson and Yamaguchi in light of U.S. Patent 6,353,811 to Weissman and U.S. Patent 5,594,230 to Waite et al. Weissman qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Weissman is prior art and reserves the right to challenge it at a later date.

Weissman discloses allocating monetary values to different sub-accounts within a user's main account. Waite discloses a barcode system. However, none of Johnson, Yamaguchi, Weissman and Waite teach or suggest a cryptographic output that comprises a plurality of authorization levels as claimed in amended independent claims 1, 14 and 27, from which claims 13, 26 and 28-31 depend.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 13, 26 and 28-31, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, Yamaguchi, Weissman and Waite.

Claims 39 and 49

Claims 39 and 49 stand rejected over Johnson in view of U.S. Patent 6,014,636 to Reeder. Claim 49 has been cancelled.

Reeder discloses a home point of sale terminal. However, neither Johnson nor Reeder teach or suggest a cryptographic output that comprises a plurality of authorization levels as claimed in amended independent claim 37, from which claim 39 depends.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claim 39, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Reeder.

Claims 43, 46, 53 and 56-57

Claims 43, 46, 53 and 56-57 stand rejected over Johnson and Gordon. Claims 53, and 56 have been cancelled. Claim 57 has been amended to depend from claim 37.

Because the combination of Johnson and Gordon does not teach or suggest a cryptographic output that comprises a plurality of authorization levels as claimed in

independent claim 37, the combination cannot render obvious Applicant's invention as claimed in claims 43, 46 and 57, which depend from independent claim 37. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Gordon.

Double Patenting

Claim 48 was objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 38. Claim 48 has been cancelled.

SUMMARY

Claims 1-47 and 57 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

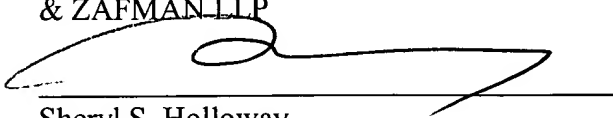
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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